/248 cont./

c) Criminal Law

673 Regarded as crimes among the Meau are: theft, robbery, manslaughter, lying, bodily injury, and offense by assault, whereas verbal offenses are not ordinarily punished. Furthermore, kidnapping, especially of children, is regarded as a crime. In former times, treason was added to the list of possible crimes which were punished.

684 [769] [622] Incest, on the other hand, is punished exclusively by the ancestors; the people do not interfere. If it becomes known, however, it is regarded as the utmost disgrace.

At first it seems surprising that rape generally remains unpunished. Since, however, in the life of the Meau a girl can hardly be taken unawares without some co-operation on her part -- there are always female companions or family members nearby when a girl leaves a village -- it is assumed that a girl who goes off alone with a boy is prepared for every eventuality. If a case of rape should occur, however, the girl's father demands two or three pieces of silver from the culprit, who will pay without opposition. The case is different if the girl becomes pregnant. Then no distinction is made between rape and voluntary surrender. Even then, however, as was set forth in detail in the chapter, "Life in the Community," the section, "Courtship and Betrothal," no pressure is exerted for marriage, /Ills. 46-51 appear here on unnumbered pages/ /249/ although the girl's parents in particular will make every attempt to bring about the marriage.

[848] If a girl who is pregnant as a consequence of the wrong done to her should give birth to a stillborn child, the culprit must pay the same price for the stillborn child as is charged for children who must be turned over to a creditor in lieu of payment, namely, 70 pieces of silver for a boy, and 50 pieces for a girl.

AKha A04
Miao AE5

M 687 /250 cont./ In former times treason may also have been punished by death, but none of my informants could remember a case.

M 696 /251/ Capital punishment is executed in three ways. Beating the criminal to death is regarded as the mildest form, and decapitation is regarded as more severe punishment. As the most severe form, the condemned person is first shot and then beheaded. Capital punishment is not only meted out to men, M [562] but also to women.

Dhuraratsadorn (1), as he writes, could not learn anything

1. Page 170.

about capital punishment. It was only reported to him that condemned persons "quietly disappeared." The author continues: M [626] "Nobody wants to have anything to do with the family of the executed person, and even children refuse to play with his children, because the Meau believe that they are persons of a bad breed."

A 673 [681] Among the Akha, too, there are fixed punishments for various offenses. Theft, robbery, arson, bodily injury, and adultery, as well as the violation of the incest prohibitions and false testimony by a witness, are regarded as crimes.

M [673] In contrast to the Meau, the Akha make no distinction between a deed that was premeditated and one caused by negligence. Even the latter is punished as though it had been done intentionally. Like the procedure among the Meau, the A 692 sentence is made in accordance with established customary law with which the older men are thoroughly familiar through experience. The verdict itself is decided by a majority vote of the assembly of house-owners and the decision is regarded as incontestable; it is announced by the village chief.

A 674 In the villages visited by me, I was told that murder and homicide, as well as kidnapping, had not occurred within human memory; I could therefore not ascertain the penalties for these crimes. It was always said that such serious crimes do not occur among the Akha.

/256 cont./

M 693 634 Besides the direct costs of the lawsuit, which at the least consist of the costs for food for all the persons involved in the case, there are for minor cases, two chickens and plenty of alcohol, and for major cases one or more pigs, which must be added for the great chief and the elders. Moreover, as soon as M 681 the person is convicted or proved guilty, he has to pay the established fine, which is apportioned in accordance with a definite [634] code, as soon as the decision is given by the great chief. Two-twelfths go to the arms-bearing men of the territory under the great chief; four-twelfths are distributed among the village M [622] chiefs of this territory, who use it chiefly to cover the expenses connected with their activities. They also use for this the smaller amounts which they impose independently in petty cases. M [634] The remaining six-twelfths, that is, half of the entire sum which the culprit has to pay, goes to the great chief alone and represents an important part of his income (see also the chapter, "Political Organization," the section, "Kingship and Chieftainship").

M 695 The verdict is given in accordance with definite judicial principles with which all the older men among the Meau are familiar, since this is a matter of customary law handed down for centuries.

M 673 When the verdict is given, a fundamental distinction is made between premeditation and negligence. Hence a deed is punished only if it was intentionally committed. Even for M [682] the negligent killing of a person, among the Meau the culprit is merely required to sacrifice a head of cattle for the soul of the dead.

A 692 622 693 /257/ As in almost all matters, the judicial procedure of the Akha also is considerably simpler and more primitive than that of the Meau. As has already been pointed out, the power of the village chief among the Akha is slight and cannot by any means be compared to that among the Meau. This is also apparent in the judicial procedure. Despite the fact that the Akha have no higher court, say, one comparable A [623] to the great chief of the Meau, beyond the office of the village chief, the village chief is not the supreme and therefore